

Message Text

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PAGE 01 STATE 188479
ORIGIN EB-04

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DRAFTED BY EB/TCA/MA:JAPURNELL:CAB
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FM SECSTATE WASHDC
TO AMEMBASSY GUATEMALA IMMEDIATE

C O N F I D E N T I A L STATE 188479

STADIS/////////
LIMDIS

E.O. 11652: N/A

TAGS:EWWT, GT

SUBJECT: GUATEMALAN SHIPPING LEGISLATION/FMC REVIEW

REF: A. GUATEMALA 5006 B. GUATEMALA A-69 C. GUATEMALA
3872

1. OUR READING OF LAW 26-77 (REF B) IS THAT ARTICLES
9,10, AND 11 PROBABLY WOULD NOT GET APPROVAL OF PRESENT
COMMISSION. AS EMBASSY AWARE, HOWEVER, FMC BASES ITS
ACTIONS NOT ON LETTER OF LAW, BUT RATHER ON WHETHER
FOREIGN LAWS AS ENFORCED RESULT IN DISCRIMINATION IN U.S.
FOREIGN TRADE. ON BALANCE, WE CONCLUDE THAT EMBASSY
OUGHT TO URGE REMOVAL OF THESE ARTICLES, AS NOW DRAFTED,
FROM LAW 26-77, AS PER REF C.

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2. REGARDING ARMAGUA QUESTION RAISED REF A, THERE ARE
RUMORS THAT A NATURALIZED U.S- CITIZEN
OF DUTCH ORIGIN LIVING IN TAMPA IS CONNECTED IN SOME
WAY WITH ARMAGUA. WE CANNOT SUBSTANTIATE THESE RUMORS,
HOWEVER. BASED ON PREVIOUS DEALINGS, WE DO NOT THINK IT
ADVISABLE TO APPROACH HIM.

3. FYI: FOLLOWING IS FOR EMBASSY BACKGROUND ONLY, AND SHOULD BE HELD VERY STRICTLY: A NEW FMC CHAIRMAN HAS

BEEN CONFIRMED BY THE SENATE, AND IS EXPECTED TO TAKE OFFICE ABOUT AUGUST 22. HE AND TWO OTHER NEW COMMISSIONERS MAY WELL TAKE A MUCH MORE FAVORABLE VIEW OF POOLING AND EQUAL ACCESS AGREEMENTS. THUS, WE SEE AS ONE POSSIBLE RESOLUTION OF THIS ONGOING SHIPPING DISPUTE A PACKAGE DEAL, WHEREBY DELTA, SEA-LAND, CROWLEY, AND POSSIBLY CCT (WHICH WILL CONVERT TO A U.S.-FLAG LINE) WOULD WORK OUT A REVENUE SHARING POOL FOR THE U.S. HALF OF THE TRADE, AND PRESENT IT TO THE GUATEMALAN LINES WITH THE ASSURANCE THAT IT WOULD HAVE THE TACIT, PRIOR APPROVAL OF THE FMC. ACCEPTANCE BY THE GUATEMALANS WOULD REMOVE THE THREAT OF SECTION 19 ACTION. THIS HAS BEEN THE PATTERN IN VENEZUELA, PERU, ARGENTINA, AND BRAZIL; WHERE POOLING AND EQUAL ACCESS AGREEMENTS ARE IN EFFECT. HOWEVER, WE HAVE NO ASSURANCE THAT THE U.S. LINES THEMSELVES ARE AGREEABLE AT THIS POINT TO SUCH A SOLUTION. DELTA WOULD STILL PREFER RESTORATION OF FREE ACCESS TO COMMERCIAL CARGO, AND COULD CONCEIVABLY PRESS FOR SECTION 19 ACTION EVEN IF THE OTHER U.S. LINES AGREED TO THE POOLING SOLUTION. CHRISTOPHER

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